IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1095 OF 2004

Trilochan Jaswant Singh ...Appellant

Vs.

Andrew D'Souza & 3 ors. ...Respondents

Mr.M.N.Havnur for the Appellant

CORAM: A.S.OKA, J.

DATED: JANUARY 17, 2005.

P.C.:

1. Heard Shri Havnur for the Appellant. By the impugned order dated 5th November 2004 ad-interim relief has been refused to the Appellant-Plaintiff. From 5th November 2004, there is no ad-interim order operating.

2. After having perused the impugned order and copies of the documents on the record of the Appeal, I find no error in the impugned order.

3. Shri Havnur, learned Counsel for the Appellant states that some of the Respondents have filed Suit No.1 of 2005 on the Original Side of this Court in respect of the suit property. The said suit is for declaration and mandatory injunction. He submitted that the possession of the Appellant has been admitted in the said suit by some of the

Respondents herein. However, I am not entering into the said controversy as the suit is pending on the Original Side of this Court.

4. Appeal is dismissed with no order as to costs.

5. It is made clear that the observations and the findings which are recorded by the learned Trial Judge in the impugned order are obviously for limited purpose of consideration of grant of ad-interim relief. The Notice of Motion which is pending will be decided on its own merit without being influenced by the finding recorded in the impugned order and the confirmation thereof by this Court.

Judge.